

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	)	Chapter 15 Case
FAIRFIELD SENTRY LIMITED, et al.,	)	Case No. 10-13164
Debtors in Foreign Proceedings.	)	(CGM)
	)	Jointly Administered
FAIRFIELD SENTRY LIMITED (IN LIQUIDATION), et al.,)	
Plaintiffs,	)	Adv. Pro. No. 10-03496
- against -	)	(CGM)
THEODOOR GGC AMSTERDAM, et al.,	)	Administratively
Defendants.	)	Consolidated
)	
FAIRFIELD SENTRY LIMITED (IN LIQUIDATION), acting by and through the Foreign Representatives thereof, and KENNETH KRYS and GREIG MITCHELL, solely in their capacities as Foreign Representatives and Liquidators thereof,	)	Adv. Pro. No. 12-01298
Plaintiffs,	)	(CGM)
-against-)	
DON CHIMANGO SA, CITITRUST BAHAMAS LIMITED and BENEFICIAL OWNERS OF ACCOUNTS HELD IN THE NAME OF DON CHIMANGO SA 1-1000,)	
Defendants.)	

NOTICE OF APPEAL

Part 1: Identify the Appellant(s)

1. Names(s) of appellants: Fairfield Sentry Limited (in Liquidation), acting by and through the Foreign Representatives thereof, and Kenneth Krys and Greig Mitchell, solely in their capacities as Foreign Representatives and Liquidators thereof (“Plaintiffs-Appellants”).

2. Position of appellants in the adversary proceeding that is the subject of this appeal: Plaintiff(s)

Part 2: Identify the subject of this appeal

- 1. Describe the judgment, order or decree appealed from;**
- 2. State the date on which the judgment, order, or decree was entered:**

Plaintiffs-Appellants, by their attorneys, hereby appeal under 28 U.S.C. § 158(a) from:

1. Each and every part of the Stipulated Order Granting in Part and Denying in Part Moving Defendants’ Second Consolidated Motion to Dismiss, dated February 25, 2021 (ECF No. 68) (the “Order”, annexed hereto as **Exhibit A**);
2. Final Judgment dated March 3, 2021 (ECF No. 70) (the “Judgment”, annexed hereto as **Exhibit B**); and
3. Any and all prior decisions that necessarily affect the Order and Judgment, including but not limited to:
 - a. Memorandum Decision Granting in Part and Denying in Part Defendants’ Renewed Motion to Dismiss, dated December 14, 2020 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Dec. 14, 2020)¹, ECF No. 3062, annexed hereto as **Exhibit C**);

¹ The Court entered the decisions addressed in this Notice of Appeal only on the administratively consolidated docket for this action and its related proceedings.

- b. Memorandum Decision Granting in Part and Denying in Part Defendants' Motions to Dismiss and Plaintiffs' Motions for Leave to Amend, dated December 6, 2018 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Dec. 6, 2018), ECF. No 1743, annexed hereto to as **Exhibit D**), insofar as it concerns claims dismissed under the Order and the extraterritorial application of the Section 546(e) safe harbor;
- c. Memorandum Decision and Order Regarding the Defendants' Motions to Dismiss for Want of Jurisdiction, dated August 6, 2018 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Aug. 6, 2018), ECF No. 1723, annexed hereto as **Exhibit E**), insofar as it rules that Defendants' consent to the Subscription Agreement does not constitute consent to personal jurisdiction in the U.S. Redeemer Actions; and
- d. Memorandum Decision Denying Plaintiffs' Motion for Leave to File Further Proposed Amended Complaints in Certain Actions, dated August 10, 2020 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Aug. 10, 2020), ECF No. 3046, annexed hereto as **Exhibit F**).

Part 3: Identify the other parties to the appeal:

The relevant parties to the judgment, order, or decree appealed from, and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Plaintiffs-Appellants	Attorneys
Fairfield Sentry Limited (in Liquidation), acting by and through the Foreign Representatives thereof, and Kenneth Krys and Greig Mitchell, solely in their capacities as Foreign Representatives and Liquidators thereof	<p>BROWN RUDNICK LLP David J. Molton Marek P. Krzyzowski Seven Times Square New York, New York 10036 Telephone: 212-209-4800</p> <p>SELENDY & GAY PLLC David Elsberg Lena Konanova Ron Krock 1290 Avenue of the Americas New York, NY 10104 Telephone: 212-390-9000</p>

Defendants-Appellees	Attorneys
See Schedule A	See Schedule A

Part 4: Not Applicable (No BAP in this District)

Part 5: Signature

Dated: March 30, 2021
 New York, New York

Respectfully submitted,

SELENDY & GAY PLLC

/s/ David Elsberg _____

SELENDY & GAY PLLC

David Elsberg
 Lena Konanova
 Ron Krock
 1290 Avenue of the Americas
 New York, NY 10104
 Telephone: 212-390-9000
 E-mail: delsberg@selendygay.com
 E-mail: lkonanova@selendygay.com
 E-mail: rkrock@selendygay.com

—and—

BROWN RUDNICK LLP

David J. Molton
Marek P. Krzyzowski
Seven Times Square
New York, New York 10036
Telephone: 212-209-4800
Facsimile: 212-209-4801
Email: dmolton@brownrudnick.com
Email: mkrzyzowski@brownrudnick.com

Counsel for the Plaintiffs-Appellants